

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Ricky Caddell,)	C/A No. 4:04-22027-CMC-TER
)	
Plaintiff,)	
)	
v.)	
)	ORDER
Jo Anne B. Barnhart)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

Plaintiff filed a complaint pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C. § 405(g)), seeking judicial review of the final decision of the Commissioner denying his claim for disability insurance benefits. The matter is currently before the court for review of the Report and Recommendation of Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.01(B)(2)(a) (D.S.C.).

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation to which a specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error those aspects of the report to which there are no objections. *See Diamond v. Colonial Life & Accident Ins. Co.*, Slip Op. No 04-2093 (4th Cir. July 25, 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation”– published opinion quoting Fed. R. Civ. P. 72 advisory committee’s note).

In his Report and Recommendation the United States Magistrate Judge recommends that the “Commissioner’s decision be REVERSED and that this matter be REMANDED TO THE COMMISSIONER PURSUANT TO SENTENCE FOUR for further proceedings in accordance with this opinion.” No objections have been filed and the time for making objections has expired.

Finding no clear error, the court adopts the ultimate recommendation of the Magistrate Judge. Accordingly, the Commissioner’s decision is REVERSED and this matter is REMANDED for further proceedings pursuant to Sentence Four.

IT IS SO ORDERED

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 18, 2005